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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002740

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TAGS: [PREL](#) [PGOV](#) [PINR](#) [IZ](#)
SUBJECT: KIRKUK ELECTION DEBATE CONTINUES TO CAUSE
SHIA-KURDISH FRICTION

REF: BAGHDAD 2702 (KURD-SHIA TENSIONS)

Classified By: Political Minister Counselor Robert Ford. Reasons 1.4 (b)
) and (d).

11. (C) Summary: There has been no parliamentary action to develop a new election law since the August 6 parliamentary recess. The parliament seems unlikely to take any action before the first week of September at earliest. The Kirkuk issue remains a thorny one, and an influential Shia Coalition politician stressed to us that the Shia Coalition itself wants Kurdish concessions on how Kirkuk elections would be handled. (Certainly the Sunni Arabs want such concessions as well.) On August 25 a top Kurdish politician in Baghdad told us that the Shia Coalition and Kurdish bloc leadership agreed that if the parliament can't reach a deal on a new election law, then the Presidency Council would issue a decree calling for provincial elections in late December 2008. The election commission would apply the 2005 election law for these elections, but according to this Kurdish contact, the Shia and Kurds agreed to try to amend the 2005 law to allow for open lists. A Presidency Council decree for provincial elections this year would require agreement of Sunni Arab Vice President Hashimi, and we don't yet know his position on this idea. End Summary.

SHIA POLITICO DEMANDS KURDISH CONCESSIONS ON KIRKUK

12. (C) Influential Shia Coalition politician Ali Adib told us on August 24 that there likely would be no parliamentary action developing a new provincial election law prior to the beginning of the next parliamentary session (currently slated for September 9). He highlighted the problem the Kirkuk elections issue poses for passage of a new election law. Any resolution of the Kirkuk election issue must involve removal of the Kurdish "Sayesh" intelligence apparatus from Kirkuk, probably through a series of trade-offs with the GOI. Adib asked the USG to pressure the Kurds to show greater flexibility. PolMinCouns reminded Adib that the USG had played an active role to move all sides toward compromise prior to the parliament's early-August recess and would continue to do so when the Parliament reconvenes. He also reminded Adib that removing the Sayesh from Kirkuk was hardly an easy task to which Adib snapped back that we should find a political solution for the Kurds. The Dawa leader expressed support for UNAMI's latest draft election law article that attempts to build consensus on a way forward through use of a stripped-down, non-detailed text.

PM ADVISOR: ELECTIONS A MUST

13. (C) In our August 24 meeting, PM Maliki Senior Advisor Rikabi intoned that provincial elections must be conducted prior to January 1, 2009, the expiration date of existing provincial councils, in order to prevent a major constitutional crisis. Unlike his Dawa Party cohort Adib, who heaped vitriolic scorn on the Kurds and demanded USG pressure on Kurdish politicians, Rikabi discussed the Kirkuk

impasse in a measured and dispassionate manner. He asked the USG to urge all parties, particularly Sunnis and Sunni politician Saleh al-Mutlaq, to demonstrate flexibility and a spirit of compromise. Rikabi branded "unconstitutional" a Sunni Arab demand for pre-election guarantees of a quota-like division of Kirkuk provincial council seats. Rikabi expressed support for the latest UNAMI draft election law, though he confided he was only vaguely aware of its terms.

KURDISH - SHIA ELECTION ACCORD ?

14. (C) In his August 25 meeting with poloffs, Rowsch Shuways, the senior Kurdish KDP official in Baghdad said that Kurdish and Shia Coalition leaders agreed on August 24 that provincial elections should be held by the end of this year. The Shia and Kurds agreed that there would be an attempt to gain Sunni Arab support for these elections. Shuways noted that Sunni Arab support would depend on convincing the moderate Sunni Arabs, represented by the Iraqi Islamic Party, to agree to support a draft, notwithstanding the demands of the less moderate Sunnis. PolMinCouns noted that the IIP was unlikely to move without political cover from other Sunni Arabs. Shuways agreed, and he and PolMinCouns agreed on several Sunni Arab names that the Embassy and the Shia/Kurds would try to convince to support the new, short UNAMI draft law text. Shuways noted that to guarantee that there would be provincial elections this year, there was a general understanding between the Shia Coalition and the Kurdish Alliance that if a new provincial election law is not attainable, then the Presidency Council would announce elections for December using the 2005 law. The Presidency

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Council would also request that UNAMI offer a way to modify the 2005 election law, which provides for a closed list, so that an open list ballot can be adopted.

COMMENT

15. (C) Under the constitution, a Presidency Council decree would require all three members of the Council to issue the decree. Thus, Sunni Arab Vice President Tariq al-Hashimi would have to co-sign it. Hashimi's Iraqi Islamic Party has been very careful not to advocate too much for new provincial elections in view of the stance by harder line Sunni Arab politicians seeking to leverage parliamentary and foreign support for those elections to secure Kurdish concessions on Kirkuk. We will sound out Hashimi's team on his likely stance. We also are not sure how easy it will be to amend the 2005 election law quickly and promptly to allow for open lists.

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